IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.13624 of 2005

Between:

S.Kasi Viswanadham, s/o Ramulu,
r/o Kesavaram Vilage, Mandapeta Mandal, Alamuru Taluq,
East Godavari District.

..... PETITIONER

AND

1 Government of A.P., rep., by its Principal Secretary,
Revenue (Endowments)Department,
Secretariat, Saifabad, Hyderabad.
2 The Assistant Commissioner, Endowments Department,
Kakinada, East Godavari District.
3 The Executive Officer, Sree Kesavaswamy Temple, Kesavaram,
East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent in proposing to conduct auction on 26-6-2005 without issuing any notice to the petitioners to an extent of Agricultural land admeasuring Acs.1.00 in R.S.336/1 AND Acres 1.10 in R.S.No.336/2 total an extent of Acres 2.10 of Kesavaram Village, Mandapeta Mandal, Alamuru Taluq, East Godavari District as being illegal, arbitrary, and unconstitutional apart from being violative of the Rules framed under the Act and consequently direct the respondents to act in accordance with law and pass such further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.CH.DHANAMJAYA

Counsel for the Respondent Nos.1 and 2: GP FOR ENDOWMENTS

Counsel for the Respondent No.3 : Smt.N.Indrani

The Court made the following :

ORDER:

Heard Sri Ch.Dhanamjaya, learned counsel for the petitioner, learned Government Pleader for Endowments appearing for respondents 1 and 2 and Smt.N.Indrani for the third respondent and with their consent the writ petition is disposed of at the stage of admission.

The petitioner herein contends that he is a landless poor person and that he is entitled to protection under Section 82 of the A.P.Charitable and Hindu Religions Institutions and Endowments Act, 1987 (for short "the Act"). It is his case that he has not been given any notice before auction is conducted in terms of Rule 5(1) of the Rules notified under G.O.Ms.No. 379. He contends that if auction is permitted to go on 26.06.2005, he would be summarily thrown out on completion of auction proceedings, despite the statutory protection to which he is entitled to under the Act and the Rules made thereunder. Power is conferred, under the Rules, on the second respondent to determine as to whether a tenant of temple lands is a landless poor person or not.

The writ petition is disposed of with a direction to the petitioner to submit a detailed explanation to the second respondent within one week from the date of receipt of a copy of this order and the second respondent is directed to determine the status of the petitioner as to whether he is a landless poor person or not within a period of three weeks thereafter. Pending such determination, while the auction contemplated to be held on 26.06.2005 may go on, the same shall not be finalized.

SD/-M. SIVA NARAYANA

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Secretary, Revenue (Endowments)Department, Government of A.P.,Secretariat, Saifabad, Hyderabad.
2 The Assistant Commissioner, Endowments Department, Kakinada, East Godavari District.
3 The Executive Officer, Sree Kesavaswamy Temple, Kesavaram, East Godavari District.

4 Two C.Cs to the G.P., for Endowments, High Court Buildings, Hyderabad (OUT).

5 2 CD copies

6. 1 CC to MR.DHANAMJAYA. Advocate (OPUC)

aps.

DATED:24/6/2005

ORDER

WP.NO.13624 OF 2005

DISPOSING OF THE WP.

SD/-HABEEBUNNISA BEGUM

DEPUTY REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The General Manager, District Coop. Central Bank Ltd.Khammam, Khammam dist.

2. The Person-in-charge, Primary Agrl. Coop. Society, Kamepalli, Kamepalli Mandal, Khammam dist.

3. The Joint Registrar/District Coop. Officer, Khammam, Khammam dist.

4. The Deputy Registrar/Divisional Co.op. Officer, Kothagudem, Khammam dist.

5. Two ccs. To the G.P. for Coop. HIGH COURT OF A.P., HYDERABAD (OUT)

6. Two C.D. Copies.

7. One cc to Mr.S.Lakshma Reddy, Advocate (OPUC)

Aps.

DATED:13/6/2005

JUDGMENT

WA.NO.839 OF 2005

ALLOWING THE WA

WITHOUT COSTS.